

GOVERNMENT OF TELANGANA
ABSTRACT

PUBLIC SERVANTS - Endowments Department - Sri B.Vasantha Rao, Deputy Commissioner, Endowments Department (Retired), Si Lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District - Certain irregularities committed in the temple administration - Orders of the Hon'ble High Court - Release of withheld pension - Orders - Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No.438

Date:26.09.2018

Read the following:

1. G.O.Ms.No.1249, Revenue (Vig.IV) Department, Dt:24.06.2005.
2. Judgment received from the Deputy Registrar, APAT in O.A.No.3119 of 2008, Dt:24.08.2010.
3. Judgment received from the Assistant Registrar, Hon'ble High Court of Judicature for the state of Telangana and Andhra Pradesh, Dt:20.04.2018 in W.P. No.30992/2010.

ORDER :

In the reference 1st read above, Government have imposed a penalty of 50% cut in pension permanently against Sri B.Vasantha Rao, Deputy Commissioner, Endowments Department (Retired), Si Lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District for issuing fraudulent order declaring 10.00 Acres of Endowments Land as Non- Endowments Land when the case is pending before the Joint Collector, Ranga Reddy District and also for committing certain irregularities, while working as Executive Officer, Sri Lakshmi Narasimha Swamy Devasthanam, Yadagirigutta.

2. Aggrieved by the above orders, the individual has approached the Hon'ble APAT. The APAT has delivered its judgment, vide reference 2nd read above. The operative portion of the judgment is as follows:

“ In the present case also, there is no material available, in support of presence of extraneous reasons for passing such a quasi judicial order by the applicant and, so, it is clear that the Applicant, as quasi judicial functionary has passed the said order and his actions cannot be questioned by initiating departmental enquiry. In these circumstances, the O.A, is allowed and the impugned orders issued in G.O. Ms. No.1249, dt.24.06.2005 by the 1st respondent, imposing 50% cut pension of the applicant permanently, is liable to be set aside and it is accordingly set aside and the respondents are directed to release the applicant's full pension and arrears and also other benefits, if any due to the applicant within a period of 4 weeks from the date of receipt of a copy this order”.

3. Aggrieved by above Judgment, Government have filed W.P.No.30992 of 2010 in the Hon'ble High Court. The Hon'ble High Court has delivered its judgment, vide reference 3rd read above. The operative portion of the Judgment is as follows:

“Applying the afore stated legal principle to the case on hand, it is not the case of the authorities that the first respondent-applicant had passed either of the orders in question upon any extraneous considerations. Further, we are informed that the Government itself entered into a compromise with the petitioner in O.A. No.85 of 1996 with regard to the subject land therein and made over the said land to him upon payment of market value. As regards the other order, it may be noted that the first respondent -applicant imposed a major penalty upon R.Takrya and we are now informed that on appeal by him, the Government itself set aside the penalty imposed under G.O. Ms. No.110, Dt.22.02.2000. As it was not the case of the authorities that

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the first respondent -applicant passed the orders in question on the strength of any extraneous considerations, there was no cause to initiate disciplinary proceedings against him in relation thereto. The punishment imposed upon him on the strength of these charges was therefore clearly unsustainable in law. The order of the tribunal holding to this effect does not brook interference, be it on facts or in law.

The writ petition is devoid of merit and is accordingly dismissed. Interim order dated 14.12.2010 shall stand vacated. Pending miscellaneous petitions shall also stand dismissed. No order as to costs."

4. Government, after careful examination of the entire matter have decided and accordingly order to release the withheld pension (50% cut in pension) to Sri B.Vasantha Rao, Retd. Deputy Commissioner of Endowments/E.O, Sri Tirupatamma Ammavari Temple, Penugranchpolu, Nandigama Mandal, Krishna District and also other monetary benefits and arrears as per his eligibility, as ordered by the Hon'ble APAT and Hon'ble High Court, in the references 2nd & 3rd read above.

5. The Commissioner, Endowments Department, Telangana State, Hyderabad shall take further action, accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

N.SIVA SANKAR

PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri B.Vasantha Rao, Deputy Commissioner, Endowments Department, Si Lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District (now retired) **through** the Commissioner, Endowments Department, Telangana State, Hyderabad. The Commissioner, Endowments Department, Telangana State, Hyderabad. (with a request to serve the copy to the individual)

Copy to :

The Government Pleader(Services.II), High Court of Judicature for the state of Telangana and Andhra Pradesh.

The Accountant General, Telangana State, Hyderabad.

The District Treasury Officer, Nalgonda District.

Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER